

Kenneth Kahn
Attorney at Law
225 Santa Monica Boulevard
Suite 904
Santa Monica, CA. 90401
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FILE

SEP 24 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Application of

RICHARD A. BURTON
Harbor City, CA.

For Amateur Station
and Operator Licenses

) PR Docket No. 92-144
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MAIL BRANCH

EXCEPTIONS TO GRANT OF
MOTION FOR SUMMARY DECISION

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: The Appellate Division

**EXCEPTIONS TO GRANT OF
MOTION FOR SUMMARY DECISION**

On August 26, 1992, Administrative Law Judge Edward J. Kuhlman granted the Motion for Summary Decision of the Chief, Private Radio Bureau ("PRB"). Applicant RICHARD A. BURTON hereby files the following exceptions thereto.

1. APPELLANT SHOWED GOOD CAUSE FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A RESPONSE TO MOTION FOR SUMMARY JUDGMENT, WHICH SHOULD BE GRANTED, AND APPELLANT'S RESPONSE THERETO SHOULD BE CONSIDERED.

On August 14, 1992, a Substitution of Attorney was filed with Judge Kuhlman's Court, substituting in this office as counsel for Applicant. A file-stamped copy is attached hereto as Exhibit "A". On August 19, 1992, Applicant filed a Request for Extension of Time to Respond to Motion for Summary Decision, a file-stamped

copy of which is attached hereto as Exhibit "B", requesting ten days from the filing of said Request within which to respond to the Motion for Summary Decision. The day prior to the filing of said Request, August 18, 1992, Judge Kuhlman's secretary was notified that said Request was forthcoming and she was asked to so notify Judge Kuhlman, so as to foreclose any decision on the Motion for Summary Decision before we had an opportunity to obtain a ruling on our Request for Extension of Time.

No ruling was ever received on the Request for Extension of Time. Applicant's Response to Motion for Summary Decision was therefore filed within the time limit requested by Applicant's Request, i.e., on August 31, 1992. (Applicant relies on 47 CFR § 1.4 regarding computation of time. The tenth day, August 29, was on a Saturday; the Response was mailed overnight Federal Express on August 28, Friday. The Response was not file-stamped until the following Monday, August 31, 1992.) A file-stamped copy of Applicant's Response is attached hereto as Exhibit "C".

47 CFR § 1.205 permits the granting of an extension of time for any filing upon "motion for good cause shown". Appellant was originally trying to represent himself prior to retaining this office, and was finding it impossible to wend his way through the various legal requirements precedent to the hearing on his Application. In addition to Applicant's lack of legal knowledge or procedure, he is in ill health, further complicating his ability to deal with the legal complexities involved in getting to a hearing. (See treating doctor's statement, attached hereto as Exhibit "D".)

Applicant submits that "good cause" was shown for the extension of time requested within which to respond to the Motion for Summary Judgment in that new counsel required a reasonable time to be able to familiarize himself with a new case, the required FCC procedures, and research the law in the area applicable to the case. Only a short time was requested within which to respond to the Motion for Summary Judgment pending before the Court, and said Response was filed within the time requested. The Court was notified of the pending request for extension of time prior to receiving same.

The Court's issuance of Summary Decision effectively operated as a denial of Applicant's Request for Extension of Time, despite the good cause shown therein. This "denial" precluded consideration of Appellant's Response, which was based on solid and extensive case law, and therefore denied Appellant the chance to due process in a hearing on the merits of his application. Reference is made to Exhibit "C", Appellant's Response to Motion for Summary Decision (incorporated herein by this reference), for the legal issues raised on Appellant's behalf to permit a hearing to be had on his Application.

Based on the foregoing, and based on the fact that Appellant did file a Request for Extension of Time and thereafter a Response to Motion for Summary Decision, the Commission is urged to void the Summary Decision issued herein, to grant the extension of time requested by Appellant, and to remand the matter for reconsideration of the summary decision motion based on both the Motion therefor and Applicant's Response.

2. THE COURT'S INCLUSION OF APPELLANT'S LACK OF PREHEARING

FILINGS WAS IMPROPER, AND APPELLANT WAS DENIED DUE PROCESS BY RECEIVING NO NOTICE OF CONSIDERATION OF SAID ISSUE.

The only other issue raised as the basis for the Court's Summary Decision herein was that Appellant did not submit an outline of evidence and list of witnesses by July 29, 1992. The Motion for Summary Decision did not raise this issue. Counsel was not retained until after said deadline. Due to the "11th-hour" retention of counsel, the priority was to respond to the Motion for Summary Decision. Inasmuch as time for the investigation and assembly of evidence and witnesses was not available prior to submitting Appellant's Response, counsel had planned to request a continuance of the hearing date to permit same, if the Motion for Summary Decision were denied. However, if said motion were granted, such investigation, assembly of facts, evidence and witnesses and the submission of lists thereof would have been moot.


It is submitted that again, there would have been good cause for continuance of the hearing, pursuant to 47 CFR § 1.205, given the fact that counsel had not been retained until almost immediately prior to the hearing, at a time when submission of an outline of evidence and list of witnesses was already overdue.

Appellant urges that his absence of said filings should not be considered in making a ruling on the Motion for Summary Decision, this being a factor to consider in deciding a motion for continuance of the hearing subsequent to the decision on the Motion for Summary Decision. Further, as this was not mentioned in the PRB's Motion for Summary Decision, Appellant has

had no notice that said defect would be considered in ruling on that Motion.

Appellant contends that his not having timely made the required evidentiary and witness filings should not be the basis for the grant of Summary Decision herein, that said defect could and would be remedied if a continuance of the hearing is granted, the application therefor to be made if the reconsideration of the Motion for Summary Decision requested herein is decided in Applicant's favor. To permit Applicant to have a decision on the Motion for Summary Decision include consideration of the legal issues set forth in his Response is the outcome mandated by due process and justice. Appellant should not be shut out of the process simply because he could not handle the legal mechanisms himself and his attorney was not given reasonable time to do so on his behalf.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kenneth I. Kahn", written over a horizontal line.

KENNETH I. KAHN
Attorney for Applicant
RICHARD A. BURTON

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AUG 14 1992

MAIL BRANCH

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AUG 14 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Kenneth Kahn
Attorney at Law
225 Santa Monica Blvd
Suite 904
Santa Monica, CA 90401
Telephone: (310) 393-1198
State Bar No. 38006

Attorney for Applicant

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20054

In the Matter of,
Application of
RICHARD A. BURTON
Harbor City, CA
For Amateur Station
And Operator Licenses

) Case No.: PR Docket No. 92-144
)
) TO: Administrative Law Judge
) Edward J. Kuhlmann
)
) SUBSTITUTION OF ATTORNEY
)
)
)
)

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RICHARD A. BURTON, Applicant, hereby substitutes KENNETH I.
KAHN, 225 Santa Monica Blvd, Suite 904, Santa Monica, CA 90401,
(310)393-1198, State Bar No. 38006, as attorney of record in
place and stead of RICHARD BURTON, IN PROPER

DATED: 8-7-92

Richard A. Burton
Signature of Party

DATED: 8-7-92

Richard A. Burton
Signature of Present Attorney

I am duly admitted to practice in this district.

DATED: 8-7-92

Richard A. Burton
Signature of New Attorney

APPROVED _____

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AUG 19 1992

~~MAHARAJA KAHN~~
Attorney at Law
225 Santa Monica Blvd
Suite 904
Santa Monica, CA 90401
(310) 393-1198
State Bar No.: 38006

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JF

RECEIVED

AUG 19 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In the Matter of)	PR Docket No. 92-144
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RICHARD A. BURTON)	
Harbor City, CA)	
)	
For Amateur Station)	
and Operator Licenses)	

To: Administrative Law Judge Edward J. Kuhlmann

REQUEST FOR EXTENSION OF TIME TO RESPOND
FOR MOTION FOR SUMMARY DECISION

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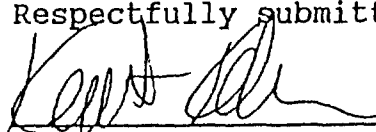
MAIL ROOM

On August 14, 1992, Applicant's Substitution of Attorney was filed in this court in the captioned matter. There is now pending a Motion for Summary Decision filed by the Chief, Private Radio Bureau, in this matter.

Due to the recent Substitution of Attorney and the time necessary to familiarize new counsel with the facts in this case, no response has yet been filed by Applicant. Because of these factors, and based on the attached Declaration of Kenneth Kahn, an extension of time of 10 days from the filing date of this Request

is hereby requested by Applicant to permit the filing of a response to the pending Motion for Summary Decision.

Respectfully submitted,



KENNETH I. KAHN
Attorney for Applicant
RICHARD A. BURTON

Kenneth Kahn
Attorney at Law
225 Santa Monica Blvd
Suite 904
Santa Monica, CA 90401
(310) 393-1198
State Bar No.: 38006

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In the Matter of)	PR Docket No. 92-144
)	
Application of)	
)	
RICHARD A. BURTON)	
Harbor City, CA)	
)	
For Amateur Station)	
and Operator Licenses)	

To: Administrative Law Judge Edward J. Kuhlmann

PROPOSED ORDER

GOOD CAUSE APPEARING THEREFOR,

IT IS HEREBY ORDERED that Applicant is granted an extension of time within which to file his response to the pending Motion for Summary Decision to and including _____, 1992.

Administrative Law Judge
F.C.C.

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of LOS ANGELES, State of CALIFORNIA. I am over the age of 18 and not a party to the within action; my business address is 225 Santa Monica Blvd, Suite 904, Santa Monica, CA 90401.

On August 18, 1992 I served the following document(s) described as REQUEST FOR EXTENSION OF TIME TO RESPOND on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage fully prepaid addressed to:

Eric Malinen, Esq
Marc Martin, Esq
F.C.C.
Private Radio Bureau
2025 M Street NW
Washington, DC 20554

I declare under penalty of perjury under the laws of the State of CALIFORNIA that the foregoing is true and correct.

Executed August 18, 1992, at LOS ANGELES, CALIFORNIA.


JENNIFER FERRO

Kenneth Kahn
Attorney at Law
225 Santa Monica Blvd
Suite 904
Santa Monica, CA 90401
(310) 393-1198
State Bar No.: 38006

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AUG 31 1992

MAIL BRANCH

RECEIVED

AUG 31 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of) PR Docket No. 92-144
Application of)
RICHARD A. BURTON)
Harbor City, CA)
For Amateur Station)
and Operator Licenses)

To: Administrative Law Judge Edward J. Kuhlmann

RESPONSE TO MOTION FOR SUMMARY DECISION

Applicant RICHARD A. BURTON, by his attorney Kenneth I. Kahn, hereby responds to the Motion for Summary Decision ("MSD") of the Private Radio Bureau ("PRB") as follows:

1. The F.C.C. Act (47 U.S.C.) §309(e) provides that a hearing shall be set regarding any application where:

"a substantial and material question of fact is presented or the Commission for any reason is unable to make the findings

specified."

The Commission issued a Hearing Designation Order in this case on July 9, 1992 (attached hereto as Exhibit A), setting forth the material issues of fact designated by the Commission to be determined by a full presentation of evidence in a hearing. This Hearing Designation Order enumerated all of the convictions set forth in the PRB's Motion for Summary Decision, and then went on to state that this was one of the issues which the Commission required a hearing to resolve:

"(a) To determine whether, in light of the license revocation/suspension and the convictions described above, RICHARD A. BURTON is qualified to become a Commission licensee."

Yet these very same issues are presented to this Court as the sole basis for the PRB's Motion for Summary Decision. The Commission has already designated Mr. BURTON's convictions and suspension/revocation as a material issue of fact which needs to be resolved in a full hearing; these matters cannot, at the same time, be dispositive of Mr. BURTON's "requisite character qualifications" (MSD, paragraph 4) without Mr. BURTON's having been afforded a hearing to present evidence for the Commission's consideration.

2. The second issue to be resolved in Mr. BURTON's hearing was:

"(b) To determine, in light of the foregoing issue [convictions, etc] whether RICHARD A. BURTON's application

would serve the public interest, convenience and necessity." The PRB's Motion for Summary Decision simply ignores this issue, blithely assuming again that the existence of the referenced convictions is sufficient to dispose of this matter. Again, the Commission set this matter for a hearing pursuant to §309(e) because a decision could not be made without a full airing of the facts and issues regarding these convictions. The hearing was set with full knowledge of Mr. BURTON's convictions, which were not then considered dispositive of the issue. There is no reason that the mere inclusion of a recitation of these convictions in the PRB's Motion for Summary Decision would now magically transform these material issues of fact, for which a hearing was necessary into incontrovertible facts which can summarily dispose of this matter. These issues regarding character qualifications deserve a full hearing wherein the discretion of the Commission can evaluate the issues (as more fully set forth hereinafter). The basis for setting the hearing was that these issues exist; the PRB cannot now use their existence to deny Applicant that hearing.

3. In the F.C.C. Report, Order and Policy Statement Regarding Character Qualifications in Broadcast Licensing, 1022 F.C.C.2d 1179, adopted December 10, 1985 and released January 14, 1986, the Commission found:

"The finding of facts regarding qualifications is not, however, an end in itself. Rather it is a step in the process of evaluation by which the Commission determines whether the public interest would be served by grant of the application

before it." At 1180, paragraph 2.

The Commission was well aware of Mr. BURTON's convictions at the time it set a hearing to evaluate fully any evidence surrounding such convictions. As stated by the Commission, the fact that these convictions exist is only "a step in the process of the evaluation" of these facts by the Commission. To preclude a full evaluation of all relevant factors regarding these convictions by the Commission, as urged by the PRB's Motion for Summary Decision, would be directly contrary to the Commission's stated policy. Later in this report, the Commission cites with approval two landmark Federal cases which affirm the Commission's discretion regarding the nature of the inquiries to be conducted as part of the licensing process, particularly in regard to character qualifications. (National Association of Regulatory Utility Commissioners vs. F.C.C. (D.C. Cir 1976) 525 F.2d 630, 645, cert. den. 425 U.S. 992; Black Citizens for a Fair Media vs. F.C.C. (D.C. Cir 1983) 719 F.2d 407, cert den 104 S. Ct. 3545. Referring to these cases in the F.C.C. Report on Character Qualifications, the Commission held that the statutory list of subjects regarding character qualifications is

"neither exhaustive nor mandatory. The statutory sections do not of themselves require that the Commission make any inquiry into the character qualifications of broadcast applicants."

The PRB's Motion for Summary Decision asks this Court to by-pass the remainder of the F.C.C.'s discretionary evaluation process by citing the very issues that gave rise to the setting of the hearing herein. To do so would be unjust and outside the F.C.C.'s

regulatory processes for evaluating applicants for broadcast licenses.

4. Case law has long affirmed the broad discretion vested in the Commission regarding which, if any, factors to evaluate in deciding whether to grant a broadcast application, and what weight to give such factors: F.C.C. vs. WNCN Listeners Guild (1981) 450 U.S. 581, 593, 594; F.C.C. vs. Wako, Inc. (1946) 329 U.S. 211, 226, 228, 229; F.C.C. vs. Pottsville Broadcasting Co. (1940) 309 U.S. 134, 145, 146; Pinellas Broadcasting Co. vs. F.C.C. (1956) 230 F.2d 204, 206, 208; National Association of Regulatory Utilities Commissioners vs. F.C.C., supra, at 645; and Stereo Broadcasters, Inc. vs. F.C.C. (1981) 652 F.2d 1026, 1031. If the PRB's Motion for Summary Decision is granted, this would deprive the Commission of its exercise of discretion in evaluating all of the factors regarding Mr. BURTON's qualifications to become a broadcast licensee, a process that the Commission obviously intended to go through when it set the hearing in this matter.

5. The PRB's Motion for Summary Decision proceeds on the assumption that the existence of F.C.C.-related violations is, in and of itself, dispositive of the issue of character qualification. This is not the case; In the Matter of Albert H. Gould (1979) 75 F.C.C.2d 193, Mr. Gould had a history of violations regarding the use of his C.B. Radio. However after a full hearing in the matter during which Mr. Gould presented witnesses and documentary evidence on his behalf, it was found that these violations in and of themselves were insufficient to deny Mr. Gould the desired

broadcast license. Therefore, based on the findings in Gould, the PRB's assertion that Mr. BURTON's F.C.C.-related violations are so overwhelming that any further presentation of evidence would not weigh the scales in favor of granting a license to Mr. BURTON is completely erroneous; therefore, the Motion for Summary Decision based on this premise should properly be denied.

6. The mere fact that the Commission set Mr. BURTON's application for a full hearing on the issue of his F.C.C.-related violations is sufficient to indicate a material issue of fact which requires full presentation of evidence related to these violations. The wide discretion invested in the F.C.C. cannot support a finding that the existence of F.C.C.-related violations is, in and of itself and without further evaluation, sufficient upon which to deny an application for a broadcast license. The case law regarding F.C.C. discretion in deciding the basis upon which to issue or deny broadcast license applications has as its cornerstone the Commission's vested right to decide what if any facts before it to consider and what if any weight to give to each of these facts. Such wide-based discretion cannot support the granting of the PRB's Motion for Summary Decision, which would deprive the Commission of the opportunity to exercise such discretion. In the case quoted by the PRB in its Motion for Summary Decision, TeleSTAR Inc. (1988) 3 F.C.C. Rcd 2860, the Commission stated: "We do not lightly deny any application." (at 2860) To grant the PRB's Motion for Summary Judgment would be to lightly deny Mr. BURTON's application for broadcast license. Statutory and case law and the regulatory

scheme by which the F.C.C. grants and denies broadcast licenses all

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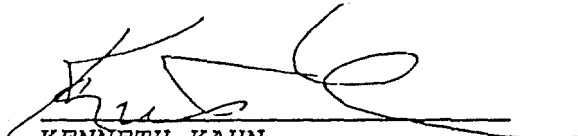
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mandate that all full hearing be granted to Mr. BURTON in which the Commission may exercise its vested discretion to evaluate all the factors regarding Mr. BURTON's application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kenneth Kahn', is written over a horizontal line.

KENNETH KAHN
Attorney for Applicant
RICHARD A. BURTON

Dated: August 28, 1992

Federal Communications Commission

DA 92-876

Before the
Federal Communications Commission
Washington, D.C. 20554

PR Docket No. 92-144

In The Matter of the
Application of

RICHARD A. BURTON
Harbor City, California

For Amateur Station
and Operator Licenses

HEARING DESIGNATION ORDER

Adopted: June 29, 1992;

Released: July 9, 1992

1. Mr. Richard A. Burton has applied for Amateur Radio Service station and operator licenses. For the reasons stated below, his application will be designated for a hearing to determine whether the application shall be granted.

2. On September 11, 1981, the Commission revoked Burton's license for amateur station WB6JAC and affirmed the suspension of his General Class amateur operator license. These actions were based on Burton's willful and repeated violations of the Commission's Rules.

3. In *United States of America v. Richard A. Burton*, No. CR 82-378-R (C.D. Calif. June 28, 1982), Burton was convicted in the U.S. District Court for Central District of California (District Court) on four counts of transmitting without a license, in violation of Section 318 of the Communications Act of 1934, as amended (Communications Act), 47 U.S.C. § 318,¹ and on two counts of transmitting obscene, indecent or profane words, language or meaning, in violation of 18 U.S.C. § 1464.² The District Court sentenced Burton to eight years of imprisonment, of which six months were to be served in a jail-type institution and the remainder suspended. Burton was also placed on probation for five years and required to devote 1,500 hours to a charitable organization approved by his probation officer.

4. Upon appeal, the U.S. Court of Appeals for the Ninth Circuit (Court of Appeals) affirmed Burton's conviction of having violating 47 U.S.C. § 318, and reversed his conviction concerning 18 U.S.C. § 1464. *United States of America v. Richard A. Burton*, No. 82-1391 (9th Cir. October 25, 1983). On January 16, 1984, the District Court resentenced Burton. On or about October 1, 1984, the Court of Appeals ruled that the January 16, 1984,

resentencing was invalid. On December 17, 1984, the District Court again resentenced Burton. Burton was sentenced to four concurrent one year terms of imprisonment, of which six months was to be served in a jail-type institution and the remainder suspended. Burton was also placed on probation for five years. On December 31, 1984, Burton violated the terms of his probation by operating radio apparatus without a license. As a result, his sentence was modified on May 1, 1985, to include therapy during the period of his probation.

5. On March 17, 1990, Burton again transmitted without a license. In *United States of America v. Richard A. Burton*, No. CR-90-357-RMT (C.D. Calif. October 1, 1990), Burton was again convicted of having violated 18 U.S.C. § 318. Burton was sentenced to one year of probation and a fine of \$2,000.

6. In view of the amateur license revocation/suspension and the criminal convictions described above, it appears that Burton may lack the requisite convictions for unlicensed operation are relevant to evaluating the likelihood that he will comply with the Commission's Rules as a licensee in the amateur service. See *Character Qualifications*, 5 FCC Rcd 3252 (1990); *TeleSTAR, Inc.*, 3 FCC Rcd 2860, 2866 (1988); *Character Qualifications*, 102 FCC 2d 1179, 1183, *recon. denied*, 1 FCC Rcd 421, 424 (1986).

7. Section 309(e) of the Communications Act, 47 U.S.C. § 309(e), requires the Commission to designate an application for hearing if it is unable to find that granting the application would serve the public interest, convenience and necessity. Accordingly, the application of Richard A. Burton for amateur station and operator licenses is hereby DESIGNATED FOR HEARING pursuant to Section 309(e) of the Communications Act. If Burton desires to present evidence at a hearing, he must file a notice of appearance within 20 days from the release of this order. A time, place, and Presiding Judge will be designated, if necessary, by later order. If Burton does not file a timely notice appearance, his application will be subject to dismissal under Section 1.961(b) of the Commission's Rules, 47 C.F.R. § 1.961(b).

8. Based upon the above information, this case will be decided upon the following issues:

(a) To determine whether, in light of the license revocation/suspension and the convictions described above, Richard A. Burton is qualified to become a Commission licensee.

(b) To determine, in light of the foregoing issue, whether granting Richard A. Burton's application would serve the public interest, convenience and necessity.

FEDERAL COMMUNICATIONS COMMISSION

Robert H. McNamara
Chief, Special Services Division

¹ 47 U.S.C. § 318 provides, in pertinent part: "The actual operation of all transmitting apparatus in any radio station for which a license is required by this Act shall be carried

out by the licensee or by a person authorized by the licensee.

² 18 U.S.C. § 1464 provides: "Whoever utters any obscene, indecent, or profane language by means of radio communication

**PRESCRIPTION ORDER FORM
(ONE ITEM ONLY)**

CLINIC/LOCATION

Chest

DATE

8/16/92

PATIENT NAME

DR. TON. RICHARD ALLEN

CODE

143-85-54

03/13/94 C H

PHO 043 01/92

PATIENT ADDRESS

Rx No.

R USP, NF, NND OR GENERIC EQUIVALENT:

TO WHOM IT MAY CONCERN
Mr. Burton is a patient under our care
& because of his medical condition is
unable to partake of any AIR travel until
his medical problems are resolved.
J. MIRANDA, M.D.

Signature of Prescriber

Prescriber must Print/Stamp name

CALIF.
STATE
NUMBER

1047883

DEA
NUMBER

Burton 61701

REFILL ☒ TIMES

HH 501 (REV. 6/88)

LOS ANGELES COUNTY HARBOR—UCLA MEDICAL CENTER
1000 W. Carson St., Torrance, Calif. Phone 533-2345

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EXHIBIT

operation of all transmitting apparatus in any radio station for
indecent, or profane language by means of radio communication

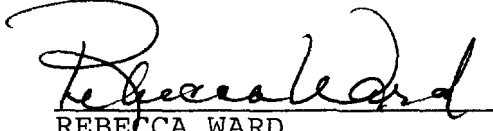
CERTIFICATE OF SERVICE

I, Rebecca Ward, certify that on August 25, 1992, a copy of the foregoing EXCEPTIONS TO GRANT OF MOTION OF SUMMARY DECISION, filed on behalf of Applicant RICHARD A. BURTON, was sent overnight mail, Federal Express, to:

Eric Malinen, Esq.
Marc Martin, Esq.
Private Radio Bureau
F.C.C.
2025 M Street, N.W.
Washington, D.C. 20554

and six copies to:

Donna Searcy, Secretary of the Commission
F.C.C.
1919 M Street, N.W.
Washington, D.C. 20554


REBECCA WARD